

MARCH 16, 2021

LAND USE POLICIES, ZONING &
REGULATIONS AUDIT
CLARK COUNTY, WA



INTRODUCTION

As Clark County engages in their Housing Options Study and Action Plan, this audit provides an overview of the existing regulatory landscape. The audit is both descriptive and evaluative in order to build a shared understanding of the current range of plans, policies, maps and regulations that impact housing development opportunities in the County. The *descriptive* piece aims to summarize the key aspects of existing plans and regulations that relate to the development of housing, from the conceptual Comprehensive Plan level to the development code specifics. The *evaluative* component provides analysis of the opportunities and barriers created by various plans and regulations, and the intersections of those various pieces, relative to the development of housing options at a range of income levels to match housing needs in Clark County's unincorporated Vancouver UGA.

Components of this evaluation include:

- Do long-range plans and policies support a variety of housing options, and are those plans and policies fully implemented through the zoning code and other development regulations?
- Are there opportunities for a variety of housing types including single-family, middle housing, and multifamily that meet the diverse needs and preferences of Clark County's population?
- How do existing plans and policies align with state regulatory requirements, as well as emerging direction at the state level to expand housing options such as the menu of options in [HB 1923](#)?
- How do County plans and regulations compare to emerging best practices for housing options across the state, such as the updates highlighted in the case studies of Olympia, City of Spokane and Spokane County, and national efforts to expand middle housing in places as varied as Oregon and Minneapolis?

What is middle housing?

Sometimes termed “missing middle housing” for its relative absence in American cities over the past half-century, middle housing refers to alternatives to single-family detached dwelling and multi-unit apartment buildings that are in the “middle” in terms of density, scale, and size of units. **Middle housing can take the form of accessory dwelling units (ADUs), duplexes, triplexes, quadplexes, townhouses, cottage clusters, and courtyard apartments.** The scale and form of middle housing is intended to be compatible with predominately single-family dwellings and to support walkable neighborhoods.

While this audit speaks in general terms about trends and impacts of development regulations, it does not directly analyze the financial impacts of specific regulations on various housing types, or the development feasibility of certain projects. This audit is also not intended as a detailed analysis of land supply to meet Growth Management Act (GMA) requirements, which the County analyzes through the robust Vacant Buildable Lands Model (VBLM).

The opportunities and barriers highlighted here are intended to identify potential future updates to plans, policies, maps and regulations to better support needed housing development in the County, as part of future update work with this project.

Key Takeaways:

- **Long-range plans**, notably including the Comprehensive Plan, provide a strong foundation for expanding the variety of housing options permitted through the development code regulations and supporting tools. The County's housing goals are built around a longstanding commitment to plan for new housing that does not exceed 75% of any single housing type, e.g. single-family detached dwellings, and while creating opportunities for 25% of new development to be diverse forms including middle housing and multifamily.
- **Low-density residential zones** predominate in the County, both in terms of acreage and housing units built. While development standards allow some modest variety in addition to single-family detached, the relatively low densities and minimum lot sizes allowed in these zones limits both the number and variety of homes that can be developed. There are significant opportunities to meaningfully expand small-lot single-family detached and middle housing options for both infill and new development by shifting the focus to the form and scale of housing and away from density, in ways that balance compatibility with existing development patterns. Increasing options in these areas could also alleviate some development pressure in areas zoned for medium-density.



Recent single-family attached development in Clark County.
Image: Ginn Development.

- **In the medium density zones,** the uses, densities and development standards generally support greater housing variety, which often takes the form of townhouse developments. However, the relatively limited supply of land zoned for medium density in turn limits the variety of housing options, particularly when there is competing pressure to develop small-lot single-family detached projects on the same sites as permitted by development regulations and the relatively low minimum densities.
- There is opportunity to significantly expand **middle housing development options** in low and medium-density zones if the regulatory focus moved away from maximum density and minimum lot sizes based on the number of dwelling units, and towards form-based standards to maintain compatible neighborhood scales. Recent County code updates have refined standards for accessory dwelling units (ADUs) and cottage housing, and townhouse development has been strong. Refinements to those standards and expanding opportunities for duplexes, triplexes, and quadplexes could help increase the variety of housing opportunities.



Cottage housing development in Newport, OR.

- **The high-density residential zones** may be compromised in their ability to deliver higher density, multifamily development. On the one end, the minimum densities in those zones are set fairly low relative to the maximum density—in the R-43 zone, the minimum density is only 47% of the allowed density—which may allow underproduction and development of alternative middle housing types such as townhouses in lieu of apartments. On the upper end, the cumulative site demands for multifamily development, including up to 20% of the site for recreation areas and 60% for surface parking for R-43 sites, can make it difficult to achieve higher densities. These issues are compounded by the fact that the supply of high-density sites is limited.
- **The commercial and mixed-use zones** create limited opportunities for mixed-use development on individual sites, though long-range planning goals and mapping in

some areas support a mix of uses within neighborhoods. Residential development opportunities in commercial are limited to upper-story residential uses in a vertical mixed-use configuration, which can be more difficult to construct than horizontal mixed-use with side-by-side uses, particularly outside of urban centers. Demand for residential development in these areas may speak to the relative difficulties of finding and developing high-density land for multifamily development, or desire to locate such development closer to transit and employment opportunities. The County's Mixed-Use zone has been applied infrequently and development is subject to lengthy, complex design standards that may not provide clear, concise direction to potential developers in order to maximize the diversity of housing options and densities permitted.

- The Highway 99 Subarea Plan and implementing regulations permit the same mix of residential uses currently permitted elsewhere in the code, and apply additional form-based standards to guide the character of development. Across the 2,460 acres of the subarea, further analysis would be useful to determine where the overlay standards are significantly impacting the resulting development forms and providing additional benefits—particularly for single-family and middle housing uses—or if there may be opportunities to simplify, such as the how the plan currently defers to the County's existing cottage housing standards rather than create a parallel set of regulations.
- Expanding housing opportunities to meet the identified needs of the County's aging population has potential to benefit a broad segment of the population, including small households and those with lower incomes at every age. Healthy communities for older adults are generally healthy communities for people of all ages. There are many existing opportunities within code to implement priorities from the *County's Aging Readiness Plan*, such as expanding the allowed first-floor footprint for cottage housing units to allow for accessible bedrooms and bathrooms, and further opportunities to expand options including additional middle housing types, reductions to parking requirements for senior housing projects and those near transit, and incentivizing accessible or visitable unit design.
- Neighborhood context matters as much as housing units themselves in promoting healthy, vibrant communities that support County households of all ages. While expanding housing forms is of critical importance, placing them in walkable neighborhoods with access to goods and services, employment, parks, schools and transit is equally important. Where neighborhood assets do not yet exist, long-range planning should support creation of housing within complete neighborhoods that integrate places to live, work, shop and play, accessible by all transportation modes.

PLAN & POLICY REVIEW

Comprehensive Plan

Clark County's 20-year *Comprehensive Growth Management Plan* sets the long-term planning policies and objectives for the County, including the Vancouver UGA. The plan was adopted in 2016 to address planning through 2035, and has been periodically updated in 2017, 2018, 2019 and 2020.

The Comprehensive Plan builds on the Community Framework Plan, a visioning document that provides guidance to local jurisdictions on regional land use and service issues. The Plan includes multiple elements addressing land use, housing, environment, transportation, capital facilities, parks and open space, historic preservation, economic development, schools, community design, annexation and shorelines. While the elements are interconnected, those with the greatest impact on housing development opportunities are analyzed here in greater detail.

Community Framework Plan

The Framework Plan generally establishes a vision of growth concentrated in urban growth areas and rural centers, including a mix of housing types at a range of densities and preserving rural areas with farms, forests, open space and large-lot residential. Framework Plan Policy 1.1.1 establishes the Vancouver Urban Growth Area as a major urban area activity center with a full range of residential, commercial and industrial uses, high- capacity transit (HCT) corridors, schools, major cultural and public facilities, with a future density of at least 8 units per net residential acre (6 gross units per acre) as an overall average. A gradation of density would locate higher densities along high capacity transit corridors and priority public transit corridors with lower densities in areas at the edge of the UGA and within neighborhoods. (Also incorporated as Plan Policy 1.1.13.)

The Plan's direction for housing supports a range of housing choices. A central tenet is a limitation of no more than 75 percent of the new housing stock to be developed as a single product type (most likely single-family detached), to ensure that a minimum of 25 percent of the new housing would provide variety in the form of duplexes, townhouses, or apartments. (Incorporated as Plan Policy 1.1.12.) Additional policies related to

housing support a variety of housing to meet the needs of a variety of households across the income, life stage and preferences spectrum, including:

- Commitment to a diversity of housing types (2.1.0).
- Coordinated transportation and housing strategies, include adopting appropriate densities along priority transit corridors (2.1.5).
- Encouragement of infill development as a first priority, including creative design approaches to accommodate higher densities and affordable options within existing neighborhoods (2.1.6 and 2.1.7).
- Coordinated housing strategies and availability of public facilities (2.1.8).
- Variety of housing to meet the needs of people with special needs, intergenerational households, and senior citizens (2.1.9 and 2.1.11).

Overall these policies provide strong support for the Comprehensive Plan housing policies and implementation strategies, including the development code, to provide for a range of housing types.

The Community Design element directly addresses design as a tool to integrate housing into communities: “Establish development standards for higher densities and intensities of development along priority and high capacity transit corridors that encourage pedestrian, bicycle and public transit usage.” (Policy 10.1.4.) This policy directly points to the importance of development standards for a variety of housing types, including the opportunity to develop similar standards for any expanded housing options with this project. Other Framework Plan elements such as parks, transportation and public facilities generally outline provision of services that support housing development.

Land Use Element

The Land Use Element, in concert with the 20-year comprehensive plan map, form the core guidance for overall land use patterns and location, aiming to focus growth within UGAs as required by the Growth Management Act (GMA). The plan establishes three urban residential designations:

- **Low:** 5-10 units per gross acre, predominately single-family development with some duplex and townhouse development.
- **Medium:** 10-22 units per gross acre, including townhouses, garden apartments, and multifamily development.

- **High:** Up to 43 units per gross acre, near transit and commercial and employment centers.

Depending on the scale of future changes to the development code, the descriptions of the housing types and density ranges for these designations could use revisions for consistency. In particular, the Urban Low Density Residential designation notes that duplexes and townhouses may be allowed through infill provisions or a Planned Unit Development (PUD); the range of housing types, paths to approval, and overall density range may currently limit middle housing options. Additionally, there could be review of whether additional density in the Urban High designation would support certain types of multifamily projects.

Residential goals to encourage compact urban development and reduce sprawl generally support infill development and a variety of residential uses consistent with expanding housing options. (Plan Policies 1.3 and 1.4.) Specific strategies for the VUGA include revising parking standards to support redevelopment and developing affordable housing standards.

Additional residential options are provided for through the Mixed Use designation intended to support a mix of mutually supporting retail, service, office and residential uses. While there are limited opportunities for upper-story residential uses in the commercial zones, the Commercial plan designations are solely focused on providing access to a full range of goods and services, as well as creating employment opportunities.

There are two overlays established within the VUGA: the Mill Creek Overlay and the Highway 99 Overlay, discussed in analysis of the Highway 99 Sub-Area Plan.

Housing Element

The Housing Element identifies the need for availability and affordability of housing options for all economic segments of the Clark County population. The Plan incorporates a range of policies to holistically support housing development from planning and monitoring the supply of housing units to development code provisions to financial strategies, in order to support the goal to: “Provide for diversity in the type, density, location and affordability of housing throughout the county and its cities. Encourage and support equal access to housing for rental and homeowners and protect public health and safety.” (Goal 2.2.)

The Plan includes a strong goal for diversity in the mix of housing types, specifically identifying single-family meeting an average minimum density of 8 units per acre in the VUGA, multifamily meeting minimum density, accessory dwelling units (ADUs), duplexes, townhouses, manufactured home parks, and others. (Policy 2.7.1.) This Element incorporates many strategies that further support diversity of housing types, including greater flexibility to develop duplexes, cohousing, and assisted living facilities in single-family zones, and zoning to allow more areas to support diverse housing types, including small-lot single-family, multifamily, duplexes and accessory dwelling units.

The Plan also includes a range of affordability strategies, ranging from support for home repair for individual low-income homeowners to a voluntary inclusionary zoning program to increase supply of affordable housing and integrate it into the community. (Policy 2.2.3.)

Transportation, Capital Facilities & Utilities, Parks and School Elements

These elements outline development of sufficient public facilities to serve planned growth across the County, including forecasted residential growth and development, at adopted levels of service. Development and financing of these services are inseparable from the development of housing: systems must have sufficient capacity to serve planned development and provide needed services and amenities, however the costs of system improvements have significant impacts on the price of housing particularly when financed through impact fees and system development charges.

Community Design Element

This element integrates land use, housing, transportation, economic development, parks and historic and cultural resource goals in recognition that truly functional neighborhoods meet these needs holistically rather than in isolation. Well planned communities can be built around higher density housing that provides well designed, attractive alternatives that are human scale and pedestrian oriented in contrast to much of the lower-density single-family neighborhood development previously built across the County.

A variety of housing types including townhouses, garden apartments, infill housing and ADUs can be integrated provided that design elements contribute to a sense of place including structures which are built nearer to the street, front porches, landscaping, convenient walkways, narrower streets and parking on the street and behind the structures. (Policies 11.3.) These design approaches can help to integrate a variety of

housing types into neighborhoods, provided they are translated into clear development code standards that balance design benefits with development costs.

With a focus on multimodal communities, there are also opportunities to revise parking and transportation requirements to develop efficient strategies that support pedestrian and transit uses while minimizing dependence on automobiles. (Policies 11.4.)

Highlights:

- The Community Framework Plan establishes a vision for a variety of housing types including duplexes, townhouses and multifamily at urban densities in the VUGA. The Plan supports a variety of housing to meet the needs of a variety of households across the income, life stage and preferences spectrum, including limiting any single development type to a maximum of 75% of new development, which provides a strong foundation for a range of implementation measures with this project to expand housing options that could even exceed the minimum 25% target for alternative housing choices.
- The Community Design Element supports development of diverse uses including housing within human scale, multimodal communities, and provides a range of design approaches to ensure high-quality and functional design that can be reviewed through clear and consistent land use reviews. This project could explore the balance between design requirements and impacts on land use review requirements and housing affordability as implemented through the development code.

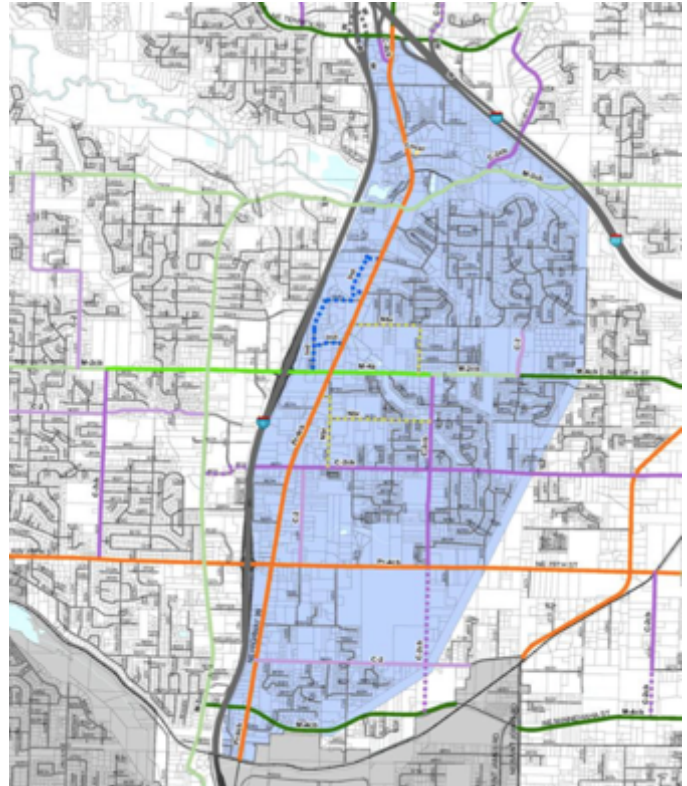
Potential Concerns:

- The Community Framework Plan policy to develop standards for higher densities along key transit corridors (Policy 10.1.4) could be expanded to address the opportunity to develop standards for higher densities within existing neighborhoods as part of infill development.
- The density ranges and allowed housing types in the Urban Residential designations should be reviewed in concert with potential development code updates to ensure consistency, potentially including expanding middle housing options and related density in the Urban Low designation and examining whether additional flexibility is needed in the Urban Medium and/or High designation.
- The focus of Commercial designations could be broadened to encompass a greater variety of residential opportunities as an additional tool to expand multifamily development options in areas with access to employment, amenities and transit.

Highway 99 Subarea Plan

The Highway 99 Subarea Plan was adopted in 2008 to guide development and spur redevelopment within the 2,400-acre area south of the I-5 and I-205 junction encompassing the neighborhoods of Hazel Dell and Salmon Creek. The plan is built around the vision, “To revitalize historic Hazel Dell as a vital, attractive, cohesive, prosperous, accessible, safe community and destination in which to work, shop, live, and play.” The primary development opportunities within the sub-area are residential, mixed use and commercial, making this sub-area an important opportunity within the VUGA to meet the County’s housing needs.

The plan is notable for prioritizing a range of housing opportunities with access to a range of amenities from walkable neighborhoods to commercial services to parks and open spaces, including single-family detached, apartments, cottage homes, townhouses, ADUs, condominiums and live/work units for residents of different incomes, ages and family sizes. To implement these development opportunities, the plan calls for a form-based code for the entire sub-area, which is discussed in the Code Review section. Additional implementation strategies range from amending Comprehensive Plan designations to capital improvement projects to ongoing neighborhood partnerships.



Highway 99 Subarea Extent

Key Findings:

- The sub-area plan sets a strong vision for a mix of housing options with access to a range of services and amenities, to be implemented through form-based code. Given that much of the subarea was developed at the time of this plan or has been subsequently, many future housing options in this area could be infill opportunities.

Aging Readiness Plan

The Aging Readiness Task Force developed a plan that identifies strategies focusing on healthy communities, housing, transportation and mobility, supportive services and community engagement. The Aging Readiness Plan assesses the county's readiness to serve as a home for a growing number of older residents. The plan includes strategies to improve the community's capacity to support its growing older population and ultimately benefit all ages, including a strong focus on variety of housing options in a variety of neighborhoods. The Commission on Aging has since carried these issues forward, including their 2016 focus on housing issues. The original plan and 2016 focus identified:

- There is a mismatch between the overabundance of single-family detached homes and the needs, preferences and incomes of the County's older adults.
- In addition to a variety of housing types, the need to enhance accessibility in all homes using a universal design approach to support aging-in-place and aging-in-community.
- Desire for housing with access to a full range of services and amenities, whether in mixed use developments or neighborhoods near commercial nodes.

Key Findings:

- There are many opportunities to permit and encourage greater variety of housing options, within complete neighborhoods, that would better serve the needs of the County's older population with overlapping benefits for the community including small and low-income households of all ages.
- Desired opportunities include middle housing types such as ADUs, cottages and duplexes, as well as age-specific or innovative options such as co-housing, assisted living facilities, and shared housing.

Growing Healthier Report

Clark County Public Health examined the ways that our neighborhoods and our built environment impact our health, evaluating the ways that the Comprehensive Plan and implementing land use regulations can support desired healthier outcomes for the community. Working with the community, they identified specific policies and strategies for improving the long-term health of our community through the development of the Growing Healthier Report. The report identified eight topics that describe the interconnections between health and the built environment including: affordable, quality housing, access to healthy food, active transportation and land use, parks and open spaces, economic opportunity, climate and human health, environmental quality, and safety and social connections.

Key Findings:

- Housing poses risks for health when it is unaffordable (more than 30% of household income), inadequate (deficiencies in plumbing, electricity etc.), and/or unhealthy (environmental health hazards such as poor air quality). The lack of housing choices increases affordability challenges faced by the County's population. Inadequate and unhealthy housing are most likely to affect low-income populations.
- Key strategies to improve health include increasing housing affordability, supply and choice in compact walkable neighborhoods including transit access. This goal builds on existing County land use policies, and requires implementation and strengthening rather than a radically different direction. Desired housing types include small-lot single-family, multifamily, duplexes, ADUs, cottages, and co-housing.
- Housing functions within a community context, not in isolation, to support community health. Where housing is located—access to amenities, transportation and transit options, jobs and services—is equally important for health as housing units themselves.

MAP REVIEW

Zoning Map

There are 15 residential zoning districts implementing the Comprehensive Plan designations within the unincorporated VUGA, ranging from low to high density and incorporating a mix of residential and office residential zones. Two-thirds of the overall land area within the VUGA is zoned for residential use, and within that, low-density zoning districts make up the overwhelming majority. Generally the observed ratio of housing units to acres, a very rough measure of gross density, increases with the allowed density in each zone, as shown in Table 1.

Low-density zones: The R1-10, R-1-7.5 and R1-6 low-density zones apply to just over half of the VUGA's total acreage and are the overwhelmingly most commonly applied zones; they also account for nearly two-thirds of all existing housing units in the VUGA, as shown in Table 1.

The lowest density R1-20 zone and highest density R1-5 zones are applied significantly less frequently. Each account for approximately 1,200 acres, however the R1-20 zoned land accommodates only 800 housing units in that land area while the R1-5 zoned land accommodates nearly 3,500 housing units. The low-density zones can be found throughout the VUGA, generally away from the I-5 corridor and in large, unbroken expanses.

Medium-density zones: The R-18 zone is the most commonly applied medium-density zone, though it is applied to less than 1,000 acres total, which is less than the least commonly applied R1 zone. The R-12 and R-22 zones are also used, albeit for small areas of land. Pockets of medium-density zoning are found scattered throughout the VUGA, often applied to smaller areas of 10-20 acres within low-density areas and/or adjacent commercial areas.

Zoning Districts, Explained

Low density: R1-20, R1-10, R1-7.5, R1-6, R1-5

Medium density: R-12, R-18, R-22

High density: R-30, R-43

The low-density R1 zones are named for the typical minimum lot size, meaning that the R1-10 zone requires a 10,000-square foot minimum lot size, whereas the medium- and high-density R zones are generally named for the allowed density such that the R-30 zone allows 30 units per acre.

High-density zones: The high-density R-30 and R-43 zones together are applied to only 600 acres of land across the VUGA, or less than 2% of the area. These zones have generally been applied to tracts along the I-5 corridor, serving as a buffer between commercial zones immediately adjacent to I-5 and low-density residential areas further from the freeway. Smaller areas of high-density zoning are found along other major commercial and industrial corridors, such as NE 78th Street.

Table 1: Residential Zoning Designations by Acres and Housing Units

Comprehensive Plan Designation	Zoning Designation	Acres	% of Acres	Housing Units	% of Housing Units	Ratio of Housing Units to Acres
Urban Low (UL)	R1-20	1,223	4%	809	1%	0.66
	R1-10	4,253	13%	6,977	11%	1.64
	R1-7.5	5,852	17%	13,656	22%	2.33
	R1-6	7,239	22%	19,691	32%	2.72
	R1-5	1,283	4%	3,479	6%	2.71
Urban Medium (UM)	R-12	419	1%	1,269	2%	3.03
	R-18	956	3%	5,627	9%	5.89
	R-22	273	1%	1,980	3%	7.24
	OR-15	1	0%	1	0%	0.81
	OR-18	4	0%	0	0%	0.00
	OR-22	84	0%	15	0%	0.18
Urban High (UH)	R-30	379	1%	2,977	5%	7.86
	R-43	225	1%	2,312	4%	10.29
	OR-30	57	0%	266	0%	4.68
	OR-43	2	0%	0	0%	0.00
Other	Other	11,328	34%	2,020	3%	0.18
TOTAL		33,578	100%	61,079	100%	1.82

Note: The "Other" comprehensive plan designation includes all comprehensive plan designations within the Study Area that are not UL, UM or UH.

Source: Clark County Assessor, 2020. Data pulled February 18, 2021.

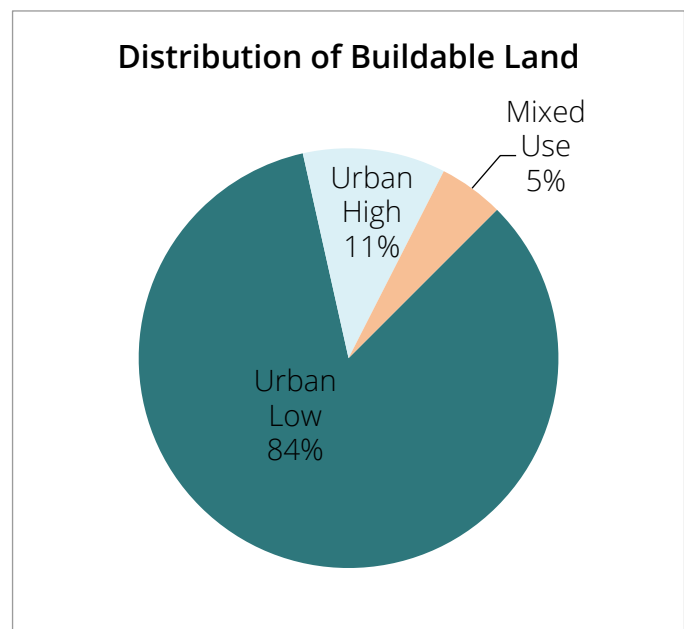
Office residential zones: The various office residential (OR) zones implement both Urban Medium and High designations as an alternative to the R zones, however, they are infrequently applied and where applied, have seen little to no residential construction as shown in Table 1. The OR zones have been applied to a handful of discrete locations, primarily in the Mount Vista area near WSU Vancouver.

Overlay zones: Areas affected by the overlay zones for the Highway 99 Overlay District, consisting of six subdistricts across 2,460 acres including a large percentage of residential, and the Mill Creek Overlay, primarily designated for R1 low-density zones, are accounted for in the residential land totals in Table 1 based on their base zoning designations.

Vacant land: In addition to understanding the overall distribution of zoning districts, the County's Vacant Buildable Lands Model (VBLM) provides information about land that has development capacity—and therefore would be most affected by any changes to plans and regulations. The

primary purpose of the VBLM is to determine whether there is adequate capacity of residential land to meet the County's projected 20-year population increase; the available land in the VUGA meets these targets. In addition, the VBLM analysis for the VUGA shows that the available buildable lands are overwhelmingly designated Urban Low (UL designations) with only 11% of buildable land designated Urban High (combining UM and UH-designated parcels) and 5% designated Mixed Use, meaning that the available Urban

Low acres provide a significantly larger “sandbox” for future housing development. Expanding housing opportunities in the R1 zones that implement the UL designations, thus, could have a much greater impact on development outcomes compared to changes to medium- and high-density zones.



Source: Clark County VBLM, 2018 Annual Model Run
Gross to Net GIS Acres Report for Vancouver UGA

Highlights:

- The low-density R1 zones that are applied to over half of the VUGA's area—and 84% of the developable residential land—create expansive opportunity for middle housing development as both infill and new development.
- The geographic distribution of zoning districts generally provides for a gradation of intensity from commercial and higher density areas to lower density residential areas.

Potential Concerns:

- The lowest density zones (R1-20, R1-10 and R1-7.5) are applied to over 50% of the total land zoned for low-density residential development with very limited application of the highest density R1-5 zone, which may limit efficient development patterns and variety of housing.
- The supply of medium- and high-density zoned property is relatively limited and may be limiting development opportunities of higher-density projects and/or increasing costs associated with those projects. There may be opportunity to upzone areas along key corridors and neighborhood nodes. Further analysis of zoning along transit routes could identify additional upzoning opportunities, consistent with HB 1923 strategy to focus upzoning near transportation opportunities.

CODE REVIEW

Development Code

Clark County's Title 40, Unified Development Code, implements the policies of the Comprehensive Plan and zoning districts applied to properties as mapped. The analysis focuses on the R1 single-family residential and R residential zones that implement the Urban Low, Medium and High Density Residential comprehensive plan designations. While the OR Office Residential zones also implement residential designation, analysis of those zones is limited to discussion on mixed-use residential opportunities.

Residential Uses Allowed

A variety of single-family, middle housing and multifamily uses are permitted across the R1 and R zones as shown in Table 2, however, middle housing options are relatively limited. Traditional single-family detached and multifamily dwellings are permitted in the R1 and R zones, respectively. Of note, single-family detached dwellings are also permitted in the R-12, R-18 and R-22 medium-density districts where they may compete against other housing options such as townhouses. Similarly, duplexes are permitted in the R-30 and R-43 high-density zones but may crowd out multifamily or other high-density options on the limited sites available for development.

While some middle housing types such as duplexes and cottage housing are permitted outright in select zones, other types such as ADUs and townhouses require a Type I or II review against both specific development standards and more discretionary "compatibility" standards that could constitute a barrier to development. Townhouses trigger further planned unit development (PUD) review in the R1 zones. Other middle housing types including small multiplexes (3-6 units) as well as courtyard apartments are not explicitly permitted anywhere; they currently fall under the multifamily dwelling use category permitted in the R zones, but would have to comply with development standards for much larger projects, including parking and recreational areas, that could render many projects infeasible.

Table 2: Selected Housing Types Permitted by Zone

P=permitted, R=Review required (Type I or II), X=Prohibited

Zoning Designation	Single-family detached	Accessory dwelling units	Zero lot line (single-family)	Townhouses	Duplexes	Cottage housing	Manufactured home parks	Multifamily
R1-20	P	R	X	R	X	X	X	X
R1-10	P	R	X	R	X	X	X	X
R1-7.5	P	R	R	R	X	P	X	X
R1-6	P	R	R	R	P ¹	P	X	X
R1-5	P	R	R	R	P ¹	P	X	X
R-12	R	R	R	R	P	P	R	P
R-18	R	R	R	R	P	P	R	P
R-22	R	R	X	R	P	P	R	P
R-30	X	R	X	R	P	X	R	P
R-43	X	R	X	R	P	X	R	P

¹ Only allowed on corner lots.

Source: UDC Tables 40.220.010-1 and 40.220.020-1.

Density and Lot Size Standards

Density and lot size standards work in tandem to set the intensity and scale of development. Because these standards ultimately set requirements for how much land is required per dwelling, and land is a significant cost when developing housing, density and lot size strongly influence the affordability of residential development.

The lot size and density standards have limited differentiation between housing types, requiring the same amount of lot area per dwelling unit regardless of type. By setting density maximums based on minimum lot size for single-family detached in the R1 zones, the density standards discourage or preclude middle housing as an alternative: rarely would a single duplex on a lot nearly twice as large be more desirable to develop than two detached single-family dwellings on separate lots. Requiring a larger lot for a duplex relative to single-family detached also greatly limits the number of lots eligible

for duplex development, as most existing lots are sized for single-family and only oversized or newly created lots expressly for duplexes would meet the standard. Likewise, townhouses are generally less appealing to develop if limited to the same density as single-family detached dwellings.

As shown in Table 3, both maximum density and minimum lot area control the allowed intensity of development. The minimum lot size generally governs the ultimate net density of a project, but the gross maximum density standard is applied to PUDs where there may be a mix of housing types and lot sizes to allow for more flexibility.

Table 3: Comparison of Maximum Densities and Minimum Lot Sizes

Zoning Designation	Minimum Lot Size (Net square feet)	Minimum Lot Area per Dwelling Unit (Gross square feet, less right-of-way)	Maximum Density (Dwellings units per gross acre, less right-of-way)
R1-20	20,000	--	2.2
R1-10	10,000	--	4.4
R1-7.5	7,500	--	5.8
R1-6 Duplexes	6,000 average 10,000	-- 5,000	7.3
R1-5 Duplexes	5,000 average 8,000	-- 4,000	8.7
R-12 Townhouses & SF detached	4,000 2,800	3,630	12
R-18 Townhouses & SF detached	4,000 1,800	2,420	18
R-22 Townhouses & SF detached	4,000 1,500	1,980	22
R-30 Townhouses	4,000 1,200	1,452	30
R-43 Townhouses	4,000 1,000	1,013	43

Source: UDC Tables 40.220.010-2, 40.220.020-2, 40.220.020-4, and 40.220.020-5.

Notable exceptions to the base density and lot size standards include:

- ADUs are not subject to maximum density and effectively allow two units per lot at double the otherwise permitted maximum density. (UDC 40.260.020.)
- Cottage housing units are permitted at up to 200% of the maximum density otherwise permitted in the zone, to allow more, smaller units. (UDC 40.260.073(C)(2).)
- PUDs are permitted up to a cumulative 10% density bonus for integration of various design features including variety of housing types, mix of uses, alley access, open space, etc. (UDC 40.520.080(E).)

Any of these approaches could be expanded to encompass middle housing types to better permit and encourage them at a neighborhood scale on lots meeting the minimum lot size for single-family dwellings.

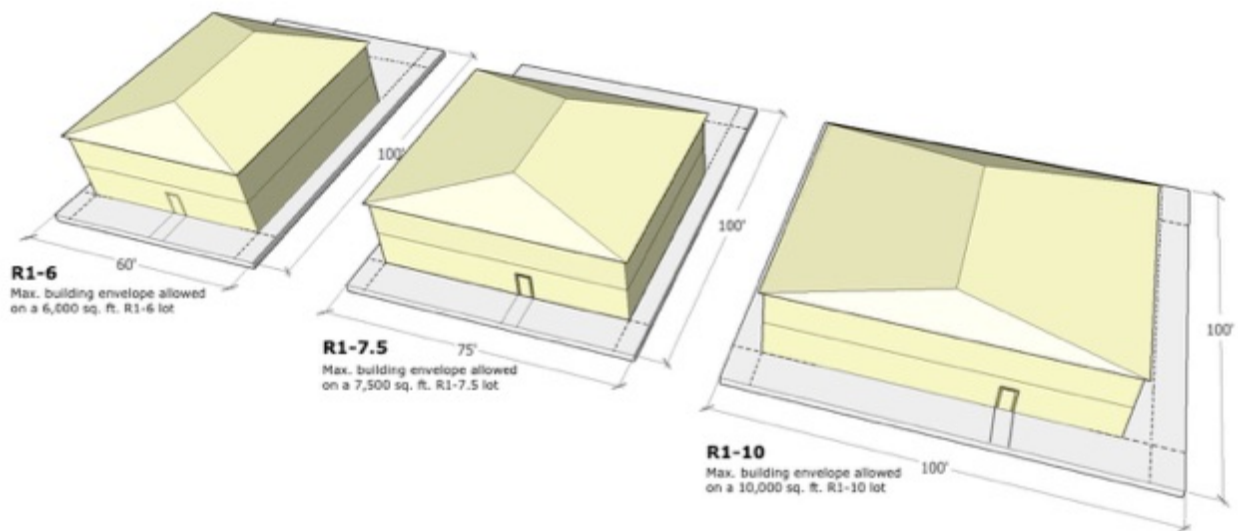
Also notable is that the maximum density permitted in the high-density zones for multifamily is capped at 43 units per acre (gross minus right-of-way), which generally supports 2-3 story apartment or townhouse development. Net densities of 50-100 units per acre are generally needed to achieve 4-5 story apartment development, though achievable densities will be heavily driven by minimum parking requirements.

At the other end of the scale, the minimum density standards for the R zones are relatively low compared to the maximums. In particular, the 18 units per acre and 20 units per acre for the R-30 and R-43 zones are only 60% and 47%, respectively, of the maximums allowed in those zones, which may create opportunities for less efficient utilization of the limited land available for high-density development. In the medium-density zones, the minimum densities of 8-15 units per acre are low enough to permit small-lot single-family detached development that may limit development of alternative housing options.

Building Envelopes

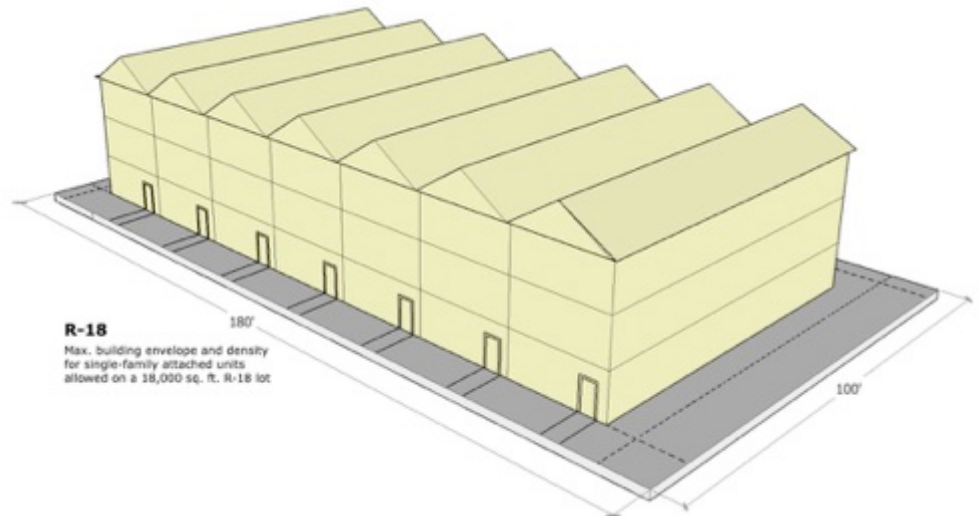
Together the minimum setbacks, maximum height and maximum lot coverage standards set the “envelope” within which buildings can be placed.

In the low-density R1 zones, the 50% maximum lot coverage standard is generally the limiting factor rather than the cumulative setback requirements, allowing a building footprint on up to half of the lot at two to three stories tall, as illustrated below. (UDC Table 40.220.010-3.) With the possible exception of single-story development on some of the smallest lots in the R1-6 and R1-5 zones, the building envelopes allow for more building area than an average 2,500-square foot single-family dwelling and should be ample for many types of middle housing development on such lots as well.

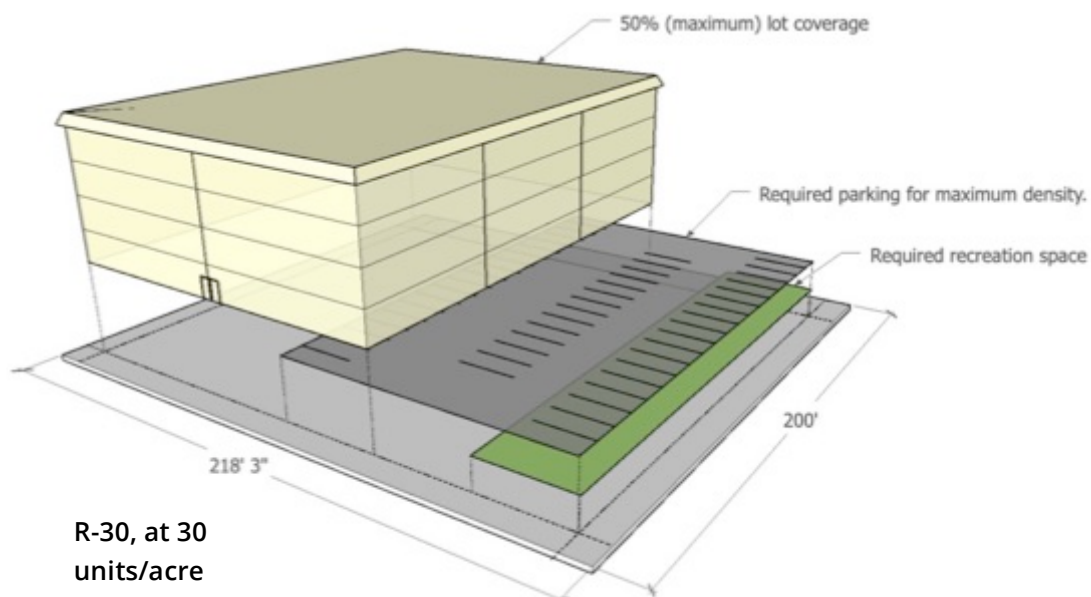


In the medium- and high-density R zones, however, the lot coverage standards may have different impacts. Smaller lots, such as for small-lot single-family detached in the medium-density zones or duplexes, could be limited by the 50% lot coverage. Alternative dimensional standards for townhouses are generally scaled to maximize building envelopes on small lots, with maximum lot coverage increased to 60-80% depending on the zone. (UDC Table 40.220.020-4.) The standards should be modeled for a variety of sites to better determine if similar lot coverage increases would increase feasibility for smaller lots and middle housing types.

Larger lots in the high-density R-30 and R-43 must accommodate competing demands for lot area that could make it difficult to meet the 50% maximum lot coverage



standard within the required setbacks—and to build to the maximum allowed density. These limitations may be partially offset by the increased height limit of 50 feet allowing up to four stories of development. (UDC Table 40.220.020-3.) As shown below, a one-acre R-30 site developed at the maximum 30 units per acre would require 6,000 square feet of recreation space per UDC 40.260.150 and an estimated 18,000 square feet of parking area which would significantly reduce the site area available for buildings below the allowed 50%. Further modeling of site development constraints could help illustrate whether changes to dimensional standards would better support higher density projects.



Development Standards

Nearly all residential uses other than single-family detached and duplexes must comply with additional development standards. Generally these address issues of site and unit design specific to the unit type, such as common courtyard requirements within cottage housing clusters. There are two potential categories of concerns with these standards: those where an objective standard creates an obstacle to development in terms of site feasibility or cost, such as requiring a very large percentage of a site to be set aside for amenity use, and those where a discretionary standard creates uncertainty about whether a specific project can be approved.

Accessory Dwelling Units: The ADU standards include many generous provisions such as the diversity of unit types allowed and allowing units sizes between 150 to 800 square feet; permitting ADUs through an “over the counter” building permit review or a Type I site review process also enhances development feasibility. The standards were updated in 2018 to enhance development feasibility including removing owner occupancy provisions, simplifying land use review requirements, and reducing impact fees by 75%. Further opportunities for revisions could include removing off-street parking requirements or providing additional reductions for ADUs located near transit, increasing allowed ADU size for dwellings under 2,000 square feet, and removing the discretionary design requirement for ADUs to be “architecturally compatible.” (UDC 40.260.020.)

Cottage Housing: The provisions for cottage housing themselves are a notable achievement to allow this alternative form of smaller scale development, with flexibility to develop units from 150 to 1,600 square feet clustered around a common open space on either a single lot or individual cottage lots. These standards were updated in 2018 to enhance development feasibility by allowing units as small as 150 square feet, as large as 1,600 square feet, and single-story units as large as 1,200 square feet. Additional flexibility could be added by reducing the cumulative size of the common and private open space required (currently 600 square feet for units with footprints no larger than 1,200 square feet), reducing parking requirements to one space per cottage, allowing attached and detached units within a cluster configuration for construction economies, increasing or eliminating the maximum density standard to allow for more flexibility to choose between more smaller units or fewer larger units, and removing discretionary architectural design standards. (UDC 40.260.073.)

Manufactured Home Parks: Standards for parks address requirements for overall park size and location, as well as requirement for individual manufactured homes and spaces; standards generally raise few concerns. The requirement for parks to be no less than 5 acres and no greater than 50 acres should be reviewed against size of existing manufactured home parks and any industry projections for future park sizes to ensure all needed sizes are addressed. (UDC 40.260.140.)

Multifamily Residential: While there are general development standards for site design such as lighting, landscaping buffers, and pedestrian circulation, the most striking aspect of multifamily standards is that they are limited to outdoor recreation areas rather than lengthy, multifaceted standards. Dimensional standards for recreational area include 48 square feet of private open space per ground-floor unit and 200-300 square feet of common open space per unit. Notably, there is no requirement for private space for upper story units, eliminating need for balconies that can cause concerns related to both initial costs and long-term maintenance costs related to water intrusion. The overall open space standards, even assuming all smaller units requiring only 200 square feet per unit, could begin to limit development potential in the R-30 and R-43 zones where the required open space would total 14% to 20% of the site, respectively, if developed at maximum density. (UDC 40.260.150)

Narrow Lot Development (Townhouses): These lengthy standards address parking, driveway and access issues specific to narrow lots less than 40 feet wide, primarily affecting townhouses and some small-lot single-family detached developments. A key design challenge for such development in any jurisdiction is providing a balance of off-street and on-street parking without driveways and garages dominating the streetscape and building front yards. Interestingly, the standards focus on providing parking (a minimum of 2.5 spaces per unit, to be met with off-street and shared on-street parking



Recent townhouse development in Clark County.

Image: Ginn Development

areas) rather than any limits on maximum driveway or garage widths. Alleys are encouraged but not required; the incentives offered for alleys could be more specific than allowing minimum lot sizes, dimensions and setbacks that “differ” from the underlying zone requirements. (UDC 40.260.155.)

Zero Lot Line Development: Standards are straightforward and provide a way to maximize setbacks between houses while minimizing the amount of lot area required for setbacks, facilitating greater density. (UDC 40.260.260.)

Residential in Mixed-Use Contexts

There are several opportunities for residential development in mixed-use contexts outside of residential zones, including the Office Residential (OR) zones and Mixed Use (MX) zones. The OR zones implement medium- and high-density residential designations and apply the same use and development standards as discussed above, with the additional opportunity to develop sites with office uses, as the name implies, and a variety of other low-impact retail and commercial uses. (UDC Table 40.220.010-1.) There is no requirement to mix uses, which provides flexibility at the potential cost of uncertainty over whether medium- and high-density residential options will be developed in these areas.

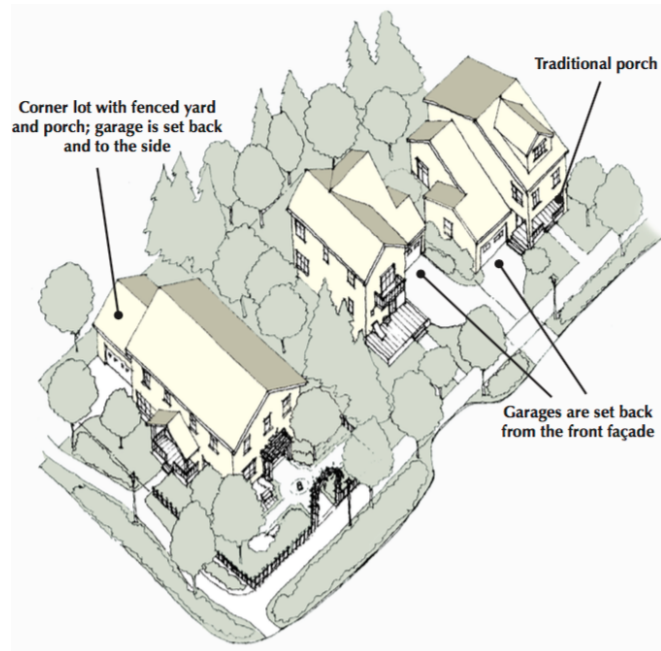
The County has one Mixed Use zone, applied to very few parcels mostly clustered around the 179th Street exit from I-5. There is considerable flexibility in the code for the mix of residential and nonresidential uses, including middle housing types and multifamily within a density range of 12 to 43 units per acre, provided that neither the residential nor nonresidential components can exceed 80% of the site. (UDC Table 40.230.020-1, 40.230.020(E).) Mixed-use developments are subject to lengthy and discretionary design standards addressing aspects of site and building design. (Appendix A.) While the standards holistically address design issues, it could be difficult to translate the many examples, concepts and recommendations from the document into specific development standards as applied to individual project proposals, leaving significant room for interpretation and creating uncertainty for potential developers.

Residential is permitted in the three commercial zones only in upper stories as part of a mixed-use development. (UDC Table 40.230.010-1.) While this maximizes commercial development opportunity by reserving the ground floor, it precludes horizontal mixed-use opportunities with side-by-side commercial and residential uses that can be easier to develop because of construction and financing requirements and could meet community goals for walkable neighborhoods with access to a variety of amenities. The

flexible dimensional standards in these zones, coupled with no density maximums, could create opportunities for higher density apartment development, if there were market demand. (UDC Table 40.230010-3.)

Highway 99 Overlay Zones

The Highway 99 overlay includes three residential designations that build on the underlying residential zoning, in addition to mixed-use areas that have additional residential opportunities. The residential subdistricts include the Multifamily, Mixed Residential and Single-Family overlays. Adopted in 2010, the form-based code focuses on dimensional, building form and site design standards. The overlay links to allowed uses, maximum density and minimum off-street parking allowed in the underlying zones, as discussed herein, creating



Single-family site design example from Highway 99 Overlay

a hybrid combination of overlay and base zoning standards. This linkage means that the range of housing options discussed above in the base zones are consistent within the sub-area, and that any changes to the underlying zoning will have ripple effects throughout the sub-area without the need for further changes. The specific form-based standards are generally meant to be clear and easy to interpret, but the sheer volume of text and examples woven through the standards themselves may present a challenge for both developers and County planners to easily identify the applicable development standards. For the Single-Family and Mixed Residential overlays in particular, there could be further analysis of whether the form-based standards are providing additional value over and above the base zone standards.

Parking Standards

Parking standards dictate both the minimum number of required off-street parking spaces and the location and development standards for those spaces, and can have a

large impact on development feasibility. Residential parking standards range from one to 2.5 off-street spaces per unit including:

- One space off-street or on-street per ADU (UDC 40.260.020(C)(7))
- 1.5 spaces per multifamily unit (4+ units) and per cottage dwelling (UDC Table 40.340.010-4 and 40.260.073(C)(6))
- Two spaces per single-family detached, manufactured home, duplex or triplex unit (UDC Table 40.340.010-4)
- 2.5 spaces per townhouse unit, or other units developed on narrow lots less than 40 feet wide (UDC 40.340.010-4)

Notably, there are very few options in current code to modify or reduce the parking requirements.

Table 4: Size of Required Off-Street Parking Areas Relative to Site Area

Zoning Designation	Minimum off-street parking spaces ¹	Area used for parking ² (square feet)	Assumed lot Size ³ (square feet)	Percentage of site used for parking ⁴
R1-10 single-family	2 spaces x 1 unit = 2 spaces	400	10,000	4%
R1-5 duplex	2 spaces x 2 units = 4 spaces	800	8,000	10%
R-18 townhouse	2 spaces x 1 unit = 2 spaces	400	1,800	22%
R-30 apartment	1.5 spaces x 30 units = 45 spaces	18,000	43,560	41%
R-43 apartment	1.5 spaces x 43 units = 65 spaces	26,000	43,560	60%

¹ Source: UDC Table 40.340.010-4.

² Source: Estimated 200 SF for driveway and garage parking spaces arranged in tandem, estimated 400 SF for surface parking lot, per <https://usa.streetsblog.org/2016/07/05/parking-takes-up-more-space-than-you-think/>.

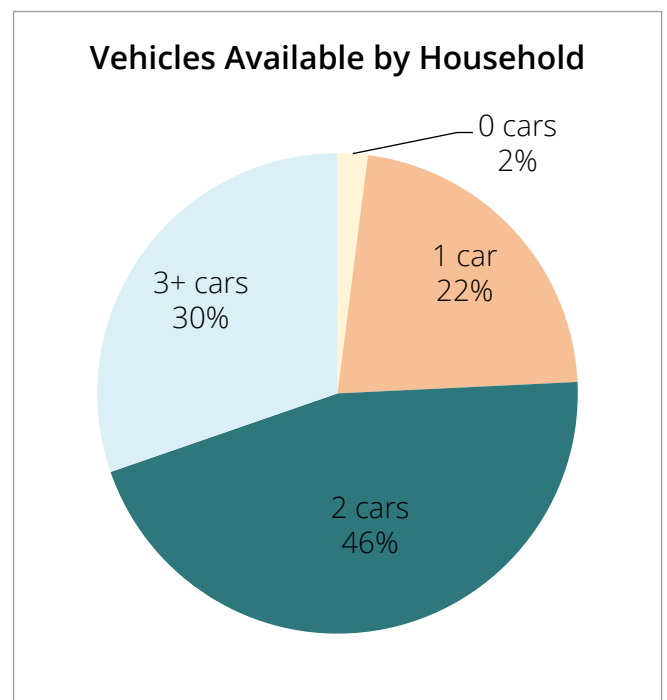
³ Source: UDC Tables 40.220.010-2, 40.220.020-2 and 40.220.020-4.

⁴ Assuming all surface parking, which is the least expensive to build and most commonly observed in Clark County. Some reduction in site area may be achieved with podium buildings integrating surface parking on effectively the ground floor with residential uses on the second floor and above.

The cumulative effect of these parking standards on multi-unit developments is just as important as the per unit requirements. As shown in Table 4, off-street parking requirements take up an increasing percentage of the site area at higher densities: as high as 60% of the site in the R-43 zone built to maximum density, leaving little land area for buildings, landscaping or stormwater if developed as surface parking. While off-street parking is desired by the majority of residents—and neighbors, often concerned about overflow onto adjacent on-street parking options—multifamily parking requirements can effectively limit the number of units that can fit on a site to less than the allowed maximum density. Similarly, a requirement for two parking spaces per unit that is feasible for single-family development can be prohibitive when scaled to a triplex or quadplex on the same size lot.

There may be opportunities to reduce the off-street parking requirements to improve development feasibility and align with emerging guidance at the state and regional levels tied to either location or type of residential development. Approximately one-quarter of Clark County households within the VUGA have zero or one car available, which could support targeted reductions to parking requirements for selected housing types, locations and/or other factors related to the characteristics of those types of households. Recent state legislation recommended a parking ratio of one space per bedroom for low-income housing development near transit, or 0.75 spaces per studio unit, and zero spaces for low-income housing for seniors or persons with disabilities near transit. (See HB 1923.)

Within the region, Oregon has adopted a maximum of one space per unit for a variety of middle housing types to implement their middle housing mandate. (OAR 660-046-0120 and 660-046-0220.)



Source: ACS 5-Year Census Estimates for VUGA Tracts

Procedural Review Requirements

The primary land use review requirements for residential development include site plan review and review and approval, which are Type II reviews completed by staff that do not require a public hearing. Notably, no residential uses themselves trigger a discretionary Type III conditional use permit review that can be an obstacle to development, however, most new development does require a Type III land division process to create the lots upon which those residential uses can be built. The site plan review requirements apply to all residential projects except for single-family detached, duplexes and triplexes; the requirements appear fairly standard and raise few concerns. (UDC 40.520.040.) The requirements for review and approval apply discretionary criteria related to compatibility, limiting adverse effects, and maintaining consistent housing densities to ADUs, manufactured home parks, townhouse developments, and zero-lot line developments. (UDC 40.520.040(C).) Given that there are special use development standards already developed for these uses in Chapter 40.260, those standards could be relied upon to guide compatible development rather than layering on additional discretionary criteria that could be interpreted to limit nearly any housing options other than single-family detached in low-density areas.

Generally, there should be a balance whereby more specific, objective standards can be reviewed through a simpler level of review and more discretionary standards trigger a correspondingly detailed level of review. When standards translate more general design objectives like “compatibility” into specific standards such as setbacks, roof pitch, landscaping, etc., discretionary review should not be necessary.

Highlights:

- Code allows some middle housing types in addition to single-family and multifamily types including ADUs, duplexes, townhouses and cottage housing. There is significant opportunity to enhance feasibility of middle housing by removing Type II review requirements for select uses, expanding uses permitted within residential areas, and adding additional plex and courtyard apartment uses.
- Building envelopes are sufficient in the R1 zones for single-family dwellings and in the R zones for townhouses, and appear to allow sufficient building area for middle housing types on the same size lots.
- Multifamily residential standards are limited both in scope and extent of requirements, simplifying site development. However, scaling open space requirements with the

number of units may discourage higher density projects where it becomes a site constraint.

Potential Concerns:

- Density maximums in the R1 zones generally pegged to the minimum lot sizes for single-family detached dwellings are a barrier to development of middle housing types, which often can achieve relatively high densities on an individual lot. Increasing allowed density or exempting certain middle housing types from maximum density so long as minimum lot sizes are met would greatly increase middle housing development feasibility.
- Plexes and courtyard apartments are not permitted as a distinct use category separate from multifamily residential, subject to design standards scaled for larger format projects.
- Density minimums in the R zones should be evaluated against recent development projects to determine whether they are being used for lower-density development that uses the R-zoned land less efficiently than intended, both in terms of density and variety of housing types. The range of uses permitted in the medium-density R-12, R-18 and R-20 zones should be re-evaluated against those trends to identify whether housing being produced provides sufficient variety beyond single-family detached units on small lots.
- Density maximums in the R-30 and R-43 zones should be tested to see if it permits development of projects that “pencil” from a development standpoint or could be increased. The maximum 50% lot coverage standard should also be considered in relation to the cumulative demands of parking, stormwater management and open space requirements on typical sites.
- Off-street parking requirements have an increasingly large impact on site development feasibility for projects at greater densities. Multifamily parking ratios could be reviewed to identify potential reductions based on unit size, at specific locations served by transit, and/or serving specific populations with documented lower rates of car ownership. Additionally, parking ratios for existing and new middle housing types should be scaled to fit on a typical lot, possibly as low as one space per unit.
- Narrow lot standards that apply to townhouses are focused on providing parking options with a relatively high requirement of 2.5 spaces per unit that can force projects to be designed around parking, rather than housing. While the variety of on- and off-street parking options is welcome, the overall requirements could be reduced or balanced against other design objectives such as creating engagement between dwellings and the street.

- The review and approval process required for many residential options besides single-family detached and multifamily causes potential concerns because of the reliance on discretionary review criteria around compatibility and limiting density. Review of residential uses could be simplified by relying on special use standards specific to development types, such as those for ADUs and cottage housing, and required reviews including site plan review and land division.
- The Highway 99 Overlay standards permit the same range of housing options as the base zones, with the same opportunities to expand that range of uses as discussed above. The additional form-based elements, particularly as presented in the plan document rather than in specific code sections, could be evaluated to determine what additional value they provide for low and medium-density development in the Single-Family and Mixed Residential overlay areas. The form-based elements may be more impactful when applied to high-density multifamily development, mixed-use and commercial development on larger sites.